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September 13, 2023

**Via E-mail: [exsec@ios.doi.gov](mailto:exsec@ios.doi.gov); [Deb\\_Haaland@ios.doi.gov](mailto:Deb_Haaland@ios.doi.gov)  
and FedEx Overnight Delivery**

The Honorable Deb Haaland  
Secretary  
U.S. Department of Interior  
1849 C Street N.W.  
Washington, D.C. 20240

**Via E-mail: [fws\\_director@fws.gov](mailto:fws_director@fws.gov); [Martha\\_Williams@fws.gov](mailto:Martha_Williams@fws.gov)  
and Via FedEx Overnight Delivery**

Martha Williams  
Director  
U.S. Fish and Wildlife Service  
1849 C Street N.W.  
Washington, D.C. 20240

**Re: Roosevelt County, New Mexico's 60-Day Notice of Intent to Sue regarding  
Decision to List the Lesser Prairie-Chicken as Threatened and Endangered 87  
Fed. Reg. 72674 (Nov. 25, 2022)**

Dear Secretary Haaland and Director Williams:

Our firm represents Roosevelt County, New Mexico ("**Roosevelt County**"). On November 25, 2022, the U.S. Fish and Wildlife Service and the U.S. Department of Interior (collectively referred to hereafter as the "**Service**") announced their decision to list the Lesser Prairie Chicken ("**LPC**") as "Endangered" and "Threatened" throughout two regions in a final rule published in Volume 87, No. 226, Page 72674 of the Federal Register ("**LPC Rule**"). In light of this decision, Roosevelt County hereby announces and provides this 60-day notice of its intent to sue the Service for violating the Endangered Species Act ("**ESA**"), 16 U.S.C. §§ 1531 *et seq.*, and its implementing regulations, as well as the Administrative Procedure Act ("**APA**"), 5 U.S.C. §§ 551 *et seq.* The Service's ESA listing decision materially affects and prejudices Roosevelt County and its constituents' interests and operations.

**A. Roosevelt County, New Mexico**

Roosevelt County is a county in New Mexico. The listing of the LPC under the ESA adversely affects the Roosevelt County community, industries, and people who are located within,

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reside, ranch, farm, and use the public and private lands in Roosevelt County. Roosevelt County has significant levels of agriculture and oil and gas production. The LPC Rule will adversely affect these industries and Roosevelt County's economic health and vitality.

**B. Violations of the Endangered Species Act and Administrative Procedure Act**

In a letter to you dated January 19, 2023, the Permian Basin Petroleum Association (“**PBPA**”), the National Cattlemen’s Beef Association (“**NCBA**”), the Texas Cattle Feeder’s Association (“**TCFA**”), the Kansas Livestock Association (“**KLA**”), the Oklahoma Cattlemen’s Association (“**OCA**”), and the New Mexico Cattle Growers’ Association (“**NMCGA**”) (the TCFA, KLA, OCA and NMCGA are collectively referred to herein as the “**Livestock Associations**”) notified you of their intent to sue the Service and outlined numerous ways in which the LPC Rule violates the APA, the ESA, and the Services own policies. Roosevelt County adopts and joins in that January 19, 2023 letter from the PBPA, the NCBA and Livestock Associations.

This letter provides notice that Roosevelt County intends to file suit against the Service for violating the ESA, the APA, and its own policies, as outlined above. If the Service does not remedy these violations within 60 days, Roosevelt County will initiate litigation in federal district court against the Service concerning these violations, seeking all available relief, including declaratory relief, attorneys’ fees and court costs.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JK' or similar, with a long horizontal stroke extending to the right.

Jeff Kuhnhenh  
Derek Montgomery

*On Behalf of Roosevelt County, New Mexico*

CC: Katie Schroder (e-mail);  
Cook, Caitlyn (e-mail);  
Brockner, Peter (e-mail).